

A RESOLUTION

BY PUBLIC SAFETY AND
LEGAL ADMINISTRATION COMMITTEE

02- R-2157

**A RESOLUTION AUTHORIZING PAYMENT IN THE
AMOUNT OF \$2,772.70 TO BRENDA SCOTT IN
SETTLEMENT OF HER CLAIM AGAINST THE CITY OF
ATLANTA**

WHEREAS, Brenda Scott has filed a claim against the City of Atlanta seeking damages arising from damages sustained to her vehicle due to driving into an open and unsafe sewer construction cut in the roadway; and

WHEREAS, the City of Atlanta Sewer Division was in the process of laying 36 feet of an eight inch sewer line on Mary George Avenue, NW, but failed to keep the construction site safe for the motoring public; and

WHEREAS, the construction and maintenance of public roads is a ministerial function and therefore this claim is not subject to a defense of sovereign immunity under the laws of the State of Georgia; and

WHEREAS, the claimant has asserted damages in the amount of \$2,772.70 and has agreed to accept this sum in full and complete satisfaction and settlement of her claim against the City of Atlanta; and

WHEREAS, the City Attorney has recommended that the claim of Brenda Scott be settled for the sum of \$2,772.70.

THEREFORE, BE IT RESOLVED that the Council of the City of Atlanta, Georgia that \$2,772.70 be paid by the City of Atlanta in satisfaction of any and all claims Brenda Scott may have stemming from damages sustained to her vehicle on or about August 10, 2002 at 1642 Mary George Avenue, NW.

BE IT FURTHER RESOLVED that the Chief Financial Officer be and hereby authorized to pay the above mentioned sum from account number 2J01/529017/T31001.